

STATE OF IDAHO

DE

DEPARTMENT OF WATER RESOURCES

RECEIVED

NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

SEP 11 2008

DEPT. OF WATER RESOURCES
SOUTHERN REGION

Please print or type. Attach pages with additional information. Instructions are included at the end of this form.

Incomplete forms will be returned.

Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided (under the "split" heading), if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
PD 45-14089					
PD 45-2692					
45-4015 <i>relinquished</i>					
PD 45-14088					
PD 45-2379					

The following **REQUIRED** information must be submitted with this form:

- The appropriate **FILING FEE**. See instructions for fee amounts.
- A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

OR

If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

Name and Address of Former Owner/Claimant(s)	<u>Critchfield Farms</u> 1815 South Hwy. 27 Oakley, ID 83346
New Owner/Claimant(s)	<u>Wybenga Dairy, LLC</u> Name Connector (Check one): [] and, [] or, [] and/or
New Mailing Address	<u>460 West 90 North</u>
City, State and ZIP Code	<u>Burley, ID 83318</u>
New Telephone Number	<u>(208) 862-7880</u>
Date you acquired the property	<u></u>

SUPPORT DATA

IN FILE # 45-2379

5. Date you acquired the property _____

6. If the change in ownership affects the entire water right for each water right or adjudication claim number listed in line 1, then skip this line and go to line 7. If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (you may copy this page, if necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right will not be split, skip this area and proceed to line 7)		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Water Right and/or Adjudication Claim Number		
Irrigation		
Stock		
Domestic		
Other		
Totals		
Water Right and/or Adjudication Claim Number		
Irrigation		
Stock		
Domestic		
Other		
Totals		
Water Right and/or Adjudication Claim Number		
Irrigation		
Stock		
Domestic		
Other		
Totals		

For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him/her for all matters related to your claims.

7. Signature(s) of New Owner(s) or Claimant(s) _____

(title if applicable)

(title if applicable)

IT IS IMPORTANT TO FILE THIS COMPLETED FORM AT THE APPROPRIATE IDWR OFFICE, WITH PAYMENT OF THE FILING FEE AND THE OWNERSHIP DOCUMENT(S), AS REFERRED TO IN LINE 2.

For IDWR Office Use Only:
 Received by HJR
 Received by DJR
 Processed by _____ AJ

 Date 9/9/08
 Date 9/17/08
 Date _____

 Receipt Amt. \$100
 Receipt No. 5030417
 WR _____ Date _____

CASSIA COUNTY
RECORDED FOR:
LAND TITLE AND ESCROW
1:50:14 pm 09-05-2008
2008-005032
NO. PAGES: 7 FEE: \$21.00
LARRY A. NICKELSEN
COUNTY CLERK
DEPUTY: VIKI

WARRANTY DEED

FOR VALUE RECEIVED,

#45179

CRITCHFIELD FARMS, a partnership consisting of **CAMERON H. CRITCHFIELD**, **ROBERT D. CRITCHFIELD**, aka **ROBERT DAREN CRITCHFIELD**, **NOLAND H. CRITCHFIELD** and **DAREN F. CRITCHFIELD**, Partners; and **CAMERON H. CRITCHFIELD**, **NOLAND H. CRITCHFIELD** and **ROBERT D. CRITCHFIELD**, aka **ROBERT DAREN CRITCHFIELD**, married men dealing with their sole and separate property, hereinafter collectively the "Grantors", do hereby grant, bargain, sell and convey unto **WYBENGA DAIRY, LLC**, an Idaho limited liability company, whose address is 460 W. 90 N., Burley, Idaho, 83318, the "Grantee", the following described real property located in Cassia County, Idaho, to wit:

PARCEL NO. 1:

TOWNSHIP 13 SOUTH, RANGE 22 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

Section 2: S $\frac{1}{2}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$

Section 11: NW $\frac{1}{4}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ NW $\frac{1}{4}$

PARCEL NO. 2:

TOWNSHIP 13 SOUTH, RANGE 22 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

Section 11: Beginning at the Northwest corner of the S $\frac{1}{2}$ NW $\frac{1}{4}$ of said Section 11, which point shall be the True Point of Beginning;
Thence East along the 1/16th section line for 3,612.21 feet, more or less to the Northerly right-of-way of the existing Land Ranch Road;
Thence Southwesterly along the Northerly right-of-way of said Land Ranch Road 3.538 feet;
Thence Northwesterly to the True Point of Beginning.

SAVE AND EXCEPT, the following two tracts:

Tract No. 1:

That portion of the above described property that lies within the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 11, Township 13 South, Range 22 East, Boise Meridian.

Tract No. 2:

That part of Section 11 more particularly described as follows:

Beginning 1,842 feet East of the Northwest corner of the S½NW¼ of said Section 11,
which point shall be known as the True Point of Beginning;
Thence East along the 1/16th section line for 1,770 feet more or less to a point on the
Northerly right-of-way of the existing road;
Thence Southwesterly along said Northerly right-of-way line of the existing road for
1,770 feet;
Thence North 560 feet;
Thence Northwesterly to the True Point of Beginning.

PARCEL NO. 3:

TOWNSHIP 12 SOUTH, RANGE 22 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

Section 35: SE¼SE¼, **SAVE AND EXCEPT** the following described tract:

Beginning at the Southeast corner of said Section 35, said point marked by a 5/8 inch
rebar, which shall be the Point of Beginning;
Thence North 89°17' West (Basis of Bearing) along section line for 909.90 feet to a ½
inch rebar;
Thence North 67°32'10" East for 65.69 feet to a ½ inch rebar;
Thence North 65°06'19" East for 255.46 feet to a ½ inch rebar;
Thence North 55°13'10" East for 167.02 feet to a ½ inch rebar;
Thence North 45°40'00" East for 248.44 feet to a ½ inch rebar;
Thence South 89°15'51" East for 307.38 feet to a ½ inch rebar on section line;
Thence South 0°40'37" West along said section line for 408.99 feet to the Point of
Beginning.

PARCEL NO. 4:

TOWNSHIP 13 SOUTH, RANGE 22 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

Section 2: Part of the E½E½, more particularly described as follows:

Beginning at the Northeast corner of the NW¼NE¼ of said Section 2;
Thence East 100 feet;
Thence South to the South Section line of said Section 2;
Thence West along said line to the West line of said E½E½;
Thence North along the West line of said E½E½ to the Point of Beginning.

Section 11: Part of the NE¼NE¼ lying North and West of existing road, more

particularly described as follows:

Beginning at the Northwest corner of the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of said Section 11 which shall be the Point of Beginning;

Thence East along Section line for 100 feet;

Thence South to the County road;

Thence Southwesterly along the County road to the West boundary of the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of said Section 11;

Thence North along the 1/16th section line of said Section 11 to the Point of Beginning.

PARCEL NO. 5:

TOWNSHIP 12 SOUTH, RANGE 22 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

Section 35: NE $\frac{1}{4}$ SE $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ EXCEPTING THEREFROM the following described tract:

Beginning at the Southwest corner of said Section 35;

Thence East 330 feet;

Thence North 660 feet;

Thence West 330 feet;

Thence South 660 feet to the Point of Beginning.

TOWNSHIP 13 SOUTH, RANGE 22 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

Section 2: Lots 2, 3, 4, S $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, and N $\frac{1}{2}$ SW $\frac{1}{4}$

Together with all water rights appurtenant thereto including, but not limited to, Water Right No. 45-14089, Water Right No. 45-2692, Water Right No. 45-4015, Water Right No. 45-14088, and Water Right No. 45-2379.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, its successors and assigns forever. The said Grantors do hereby covenant to and with the said Grantee, that they are the owners of said premises; that they will warrant and defend the same from all lawful claims whatsoever, except as hereinabove specifically provided, and the specific exceptions listed below:

1. Taxes for 2008 and subsequent years, a lien, but not yet due or payable.
2. Assessments levied, or to be levied, by the Goose Creek Irrigation District.

3. Power Line Easement from Albert Anderson & Sons Co., to Idaho Power Company, a corporation, dated March 1, 1954, recorded April 27, 1954, as Instrument No. 182237 in Book 15 of Miscellaneous, Page 128, records of Cassia County, Idaho, granting to said corporation a right of way and easement for erection and maintenance of an electric transmission line over and across the NE $\frac{1}{4}$ NE $\frac{1}{4}$ and SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 11, Township 13 South, Range 22, East, Boise Meridian, and additional property not included herein.
4. Power Line Easement from Howard C. Hayden and Allene Hayden, his wife, to Idaho Power Company, a corporation, dated March 30, 1953 and recorded April 27, 1954 as Instrument No. 182240 on Page 130 in Book 15 of Miscellaneous, records of Cassia County, Idaho, granting a right of way and easement to said corporation, for erection and maintenance of electrical transmission lines over and across the NW $\frac{1}{4}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ NW $\frac{1}{4}$ of Section 11, Township 13 South, Range 22 East of the Boise Meridian.
5. Power Line Easement from Howard C. Hayden and Allene Hayden, his wife, to Idaho Power Company, a corporation, dated March 15, 1955 and recorded July 13, 1956 as Instrument No. 190524 on Page 369, in Book 15 of Miscellaneous, records of Cassia County, Idaho, over and across the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 2, Township 13 South, Range 22 East of the Boise Meridian, together with additional property not included herein.
6. Oil and Gas Lease between Vern S. Hoffbuhr and Enid M. Hoffbuhr, husband and wife, as Lessor, to Inca Oil and Gas, Inc., as Lessee, dated March 31, 1981, and recorded May 6, 1981, as Instrument No. 134720 on Film No. 142, records of Cassia County, Idaho, covering Lots 2, 3, 4, SW $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$ and the N $\frac{1}{2}$ SW $\frac{1}{4}$ of Section 2, Township 13 South, Range 22 East of the Boise Meridian. ASSIGNED TO: Alan R. Hansen, W. David Thompson, Mont M. Warner, Kenneth G. Leis & Claudia L. Leis, as Joint Tenants, Robert M. Singleton, M. Scott Sprague, Stan T. Ninemire, Kenmont Investing Corporation & Camerina Oil Company, and Viking Exploration, Inc. by an Assignment of Overriding Royalty from Inca Oil & Gas, Inc., dated May 5, 1983 and recorded July 11, 1983 as Instrument No. 153317 on Film No. 158, records of Cassia County, Idaho.
7. Power Line Easement from Critchfield Land & Livestock, Inc., Keith Critchfield, Pres. and Daren Critchfield. Sec.. to Idaho Power Company, a corporation, dated March 21, 1983 and recorded August 19, 1983 as Instrument No. 154326 on Film No. 158, records of Cassia County, Idaho, over and across a part of Lot 4 and the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 2, Township 13 South, Range 22 East of the Boise Meridian.
8. Grant of Easement from Vern S. Hoffbuhr and Enid Hoffbuhr, husband and wife,

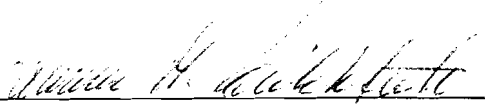
Critchfield Land & Livestock Company, Inc., and R. Hilton Critchfield, Daren Critchfield, and Keith P. Critchfield as Trustees of the Critchfield Land & Livestock Company, Inc. Employee Pension Trust, as Grantors, to First Security Bank of Idaho, N.A., a national banking association, as Grantee, dated April 11, 1985 and recorded April 15, 1985 as Instrument No. 168595 on Film No. 171, records of Cassia County, Idaho, over and across a part of the SE¼ of Section 35, Township 12 South, Range 22 East of the Boise Meridian. ASSIGNED TO: Lambert Produce Company, by an Assignment of Easements, Rights of Way, Water Sharing Agreement and Lease from First Security Bank of Idaho, N.A., dated April 9, 1985 and recorded April 15, 1985 as Instrument No. 168620 on Film No. 171, records of Cassia County, Idaho.

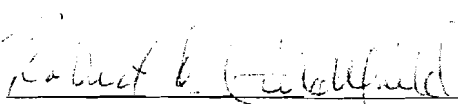
9. Grant of Easement from Critchfield Land and Livestock Employees Pension Trust, as Grantors to Critchfield Land and Livestock Co., Inc., as Grantees, dated June 21, 1985 and recorded August 20, 1985 as Instrument No. 172047 on Film No. 175, records of Cassia County, Idaho, over and across the NW¼NE¼, NE¼NW¼ of Section 11, Township 13 South, Range 22 East of the Boise Meridian, Cassia County, Idaho.
10. Grant of Easement, by and between Critchfield Land and Livestock Co., Inc., a corporation, and Robert T. Robinson and Margaret Robinson, husband and wife; Rick R. Robinson and Alyssa Robinson, husband and wife, dated April 10, 1986 and recorded June 25, 1986 as Instrument No. 179702 on Film No. 182, records of Cassia County, Idaho, over and across the S½NW¼ and SW¼NE¼ of Section 11, Township 13 South, Range 22 East of the Boise Meridian, and additional property not included herein.
11. Terms and Conditions in Resolution No. 2007-01-4 of the Cassia County Planning and Zoning Commission granting a Confined Animal Feeding Operation Permit, dated January 18, 2007 and recorded January 19, 2007 as Instrument No. 313385, records of Cassia County, Idaho. (Covers additional property not included herein.)

DATED THIS 4th day of September, 2008.

“GRANTORS”

CRITCHFIELD FARMS, a partnership


CAMERON H. CRITCHFIELD, Partner


ROBERT D. CRITCHFIELD, aka
ROBERT DAREN CRITCHFIELD, Partner

Noland H. Critchfield
NOLAND H. CRITCHFIELD, Partner

Daren F. Critchfield
DAREN F. CRITCHFIELD, Partner

Cameron H. Critchfield
CAMERON H. CRITCHFIELD

Noland H. Critchfield
NOLAND H. CRITCHFIELD

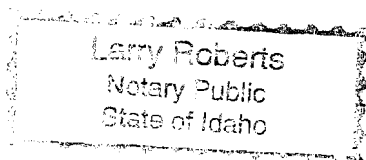
Robert D. Critchfield
ROBERT D. CRITCHFIELD,
aka ROBERT DAREN CRITCHFIELD

STATE OF IDAHO)

County of Cassia)
SS:

On this 4th day of September, 2008, before me, the undersigned, a Notary Public in and for said County and State, personally appeared CAMERON H. CRITCHFIELD, individually, and as a partner of Critchfield Farms, a partnership, known to me to be the person whose name is subscribed to the within and foregoing instrument, and who acknowledged to me that he executed the same individually and on behalf of the partnership.

IN WITNESS WHEREOF, I have hereunto set my hand and seal, the day and year in this certificate first above written.



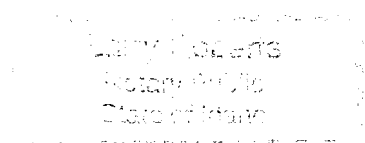
Larry Roberts
NOTARY PUBLIC for Idaho
Residing at: Burley, ID
Commission Expires: 6-30-09

STATE OF IDAHO)

County of Cassia)
SS:

On this 4th day of September, 2008, before me, the undersigned, a Notary Public in and for said County and State, personally appeared ROBERT D. CRITCHFIELD, aka ROBERT DAREN CRITCHFIELD, individually and as a partner of Critchfield Farms, a partnership, known to me to be the person whose name is subscribed to the within and foregoing instrument, and who acknowledged to me that he executed the same individually and on behalf of the partnership.

IN WITNESS WHEREOF, I have hereunto set my hand and seal, the day and year in this certificate first above written.



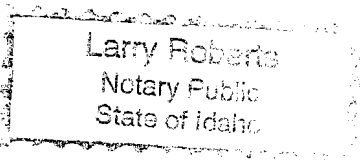
Larry Roberts
NOTARY PUBLIC for Idaho
Residing at: Burley, ID
Commission Expires: 6-30-09

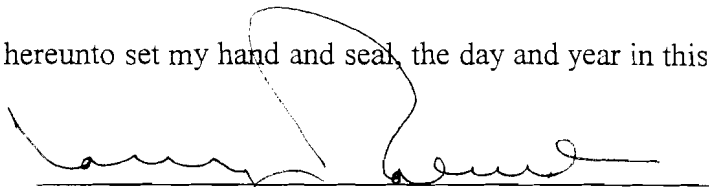
STATE OF IDAHO)

County of Cassia)
SS:

On this 4th day of September, 2008, before me, the undersigned, a Notary Public in and for said County and State, personally appeared NOLAND H. CRITCHFIELD, individually and as a partner of Critchfield Farms, a partnership, known to me to be the person whose name is subscribed to the within and foregoing instrument, and who acknowledged to me that he executed the same individually and on behalf of the partnership.

IN WITNESS WHEREOF, I have hereunto set my hand and seal, the day and year in this certificate first above written.



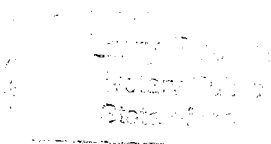

NOTARY PUBLIC for Idaho
Residing at: Burley, ID
Commission Expires: 6-30-09

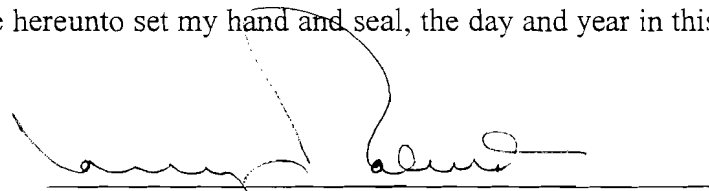
STATE OF IDAHO)

County of Cassia)
SS:

On this 4th day of September, 2008, before me, the undersigned, a Notary Public in and for said County and State, personally appeared DAREN F. CRITCHFIELD, as a partner of Critchfield Farms, a partnership, known to me to be the person whose name is subscribed to the within and foregoing instrument, and who acknowledged to me that he executed the same on behalf of the partnership.

IN WITNESS WHEREOF, I have hereunto set my hand and seal, the day and year in this certificate first above written.




NOTARY PUBLIC for Idaho
Residing at: Burley, ID
Commission Expires: 6-30-09